

Notice of Allowability

Application No.

09/043,574

Examiner

Hani Kazimi

Applicant(s)

HALBLANDER, STEFAN J.

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to March 13, 2002.
2. ☒ The allowed claim(s) is/are 21 and 32-42.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on March 13, 2002. Claims 21 and 32-42 are pending in this application.

Status of Claims

2. Of the original claims 1-20, claims 1, 4, 6-8, 10, 12-14, 17, and 18 have been canceled, claims 21-31 have been added in the amendment filed on November 16, 1999. In the amendment filed on April 20, 2000, claims 23, and 25 have been canceled; claims 2, 3, 5, 9, 11, 15, 16, 19, and 20 have been amended, and claim 32 have been added. Claims 2, 3, 5, 9, 11, 15, 16, 19, 20, 22, 24, and 26-31 have been canceled, claims 21, and 32 have been amended, and claims 33-42 have been added in the amendment filed on December 11, 2000. Therefore, claims 21, and 32-42 are under prosecution in this application. Applicant's arguments filed on March 13, 2002 with respect to claims 21, 32 and 33 have been fully considered and are deemed to be persuasive. Therefore, claims 21, and 32-42 are allowable over the prior art of record, and Applicants' request for allowance is granted.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

3. The prior art of record (Parad U.S. Pat. No. 5,369,570) teaches a method for continuous real-time management of heterogeneous interdependent resources by using multiple distributed resource engines to maintain timely and precise schedules, and action controls, and identifying and responding to rapidly changing conditions in accord with predetermined requirements, relationships, and constraints. Each resource engine continuously adjusts schedules in response to changing status, resource requirements, relationships and constraints. Each action control maintains an ordered list of conditions requiring action, determines the best action in each case, and generates appropriate responses.

Even though the prior art of record teaches a method for continuous real-time management of heterogeneous interdependent resources as mentioned above. The prior art of record fails to teach a computer implemented method for the deployment or activation of a set of resources for completing a plurality of jobs comprising an ongoing optimization-simulation for simulating an optimal deployment of said resources comprising the steps of on an ongoing basis, taking into account each of said plurality of jobs, a priority assigned to each of said plurality of jobs, a criterion associated with each of said plurality of jobs and the availability of each resource in said subset, first determining the optimal job sequence for each resource, and subsequently either selecting and deploying an available resource from said subset of resources for the best possible job at the time of the availability of said selected resource, or selecting and redeploying a resource previously deployed on a different job on a job of higher priority.

For these reasons claims 21, 32 and 33 are deemed to be allowable over the prior art of record, and claims 34-42 are allowable by dependency.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-2 17-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'H. Kazimi', with a long horizontal stroke extending to the right.

HANI M. KAZIMI
PRIMARY EXAMINER

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September 30, 2006